

**Minutes**  
**Catawba County Board of Commissioners**  
**Regular Session, Monday, April 18, 2005, 7:00 P.M.**

**Appointments**

Alcohol Beverage Control Board	817	04/18/05
Catawba County Planning Board	817	04/18/05

**Catawba County Schools**

Tuttle Middle School	819	04/18/05
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**Commendations**

Michael Miller, Catawba County Planning Board	815	04/18/05
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**COPs**

Jail Expansion Collateral	820	04/18/05
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**Hickory City Schools**

Hickory High School – Capital Fund Transfer	820	04/18/05
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**Jail**

Expansion – Collateral	820	04/18/05
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**JCPC**

Funding Plan	817	04/18/05
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**Planning**

Urgent Repair Program	820	04/18/05
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**Public Hearing**

Rezoning request for 1.79 acres Clines Township	815	04/18/05
Rezoning request for 3 acres Mt. Creek Township	816	04/18/05
County Erosion and Sedimentation Local Ordinance	816	04/18/05

**Special Guests**

Charlie Wyant	815	04/18/05
Ann Hart	815	04/18/05
Justin Burrows	815	04/18/05

**Tax**

Refund	817	04/18/05
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The Catawba County Board of Commissioners met in regular session on Monday, April 18, 2005, 7:00 p.m. at the 1924 Courthouse, Robert E. Hibbitts Meeting Room, 30 North College Avenue, Newton, North Carolina.

Present were Chair Katherine W. Barnes, Vice-Chairman Dan A. Hunsucker, Commissioners Glenn E. Barger and Barbara G. Beatty.

Absent: Commissioner Lynn M. Lail.

A quorum was present.

Also present were Assistant County Manager Joellen Daley, Assistant County Manager Lee Worsley, County Attorney Robert Oren Eades, Attorney Debra Bechtel, and County Clerk Barbara E. Morris. County Manager J. Thomas Lundy was absent due to his attendance at an International Committee Meeting of the ICMA in Haarlem, Amsterdam.

1. Chair Barnes called the meeting to order at 7:01 p.m.
2. Commissioner Barbara Beatty led the Pledge of Allegiance to the Flag.
3. The Invocation was offered by Vice-Chair Dan Hunsucker.
4. Commissioner Barger made a motion to approve the minutes from the Regular Meeting of April 4, 2005. The motion carried unanimously. At this time Chair Barnes noted that Commissioner Lail and County Manager J. Thomas Lundy were out of town and unable to attend the present meeting.
5. Recognition of Special Guests.  
Chair Barnes recognized Chairman of the Catawba County School Board Charlie Wyant, Superintendent Ann Hart and a young scout from Troop 312 at St. Johns Lutheran Church, Justin Burrows, who was present for his badge requirement.
6. Public comment for items not on the agenda.  
Mr. Sidney Hale, 1189 Wagon Wheel Road, Hickory (Mt. View) came forward to say there was a problem with the Wagon Wheel Trailer Park. He said they could not get the park cleaned up and the owner had brought in more trailers than are supposed to be there. He had a book of photos of the park as well as a petition which was turned over to Assistant County Manager Lee Worsley on behalf of the Board and Chair Barnes told Mr. Hale that a staff member would get to him.
7. Presentations.  
Chair Barnes asked Planning Director Jacky Eubanks to join her in presenting Catawba Planning Board Member Michael Miller with a commendation. Chair Barnes asked other members of the Planning Board present, Steve Von Drehl, Ray Von Caldwell and Edward Neill, to also come forward with Mr. Miller. Chair Barnes recognized the hard work that the Planning Board does regarding land use and noted the changes that have occurred in the 24 years Mr. Miller sat on this board and thanked him for his contributions. Jacky Eubanks said he had spent 17 years working with Mr. Miller and he, with Ray Von Caldwell, had done a wonderful job. Mr. Miller thanked the Commissioners for inviting him 24 years ago to sit on this Planning Board and in that time Catawba County had come a long way. He complimented the Planning staff, especially Mary George and Jacky Eubanks. He thanked Ray Von Caldwell for his role as the Chair of this Planning Board.
8. Public Hearings:
  - a. Rich Hoffman, Planner, presented a request to rezone a 1.79 parcel from R-2 Residential District to C-1 Commercial District at 5960 North NC 16 Hwy in the St. Stephens/Oxford Small Area Planning District, Clines Township. It is a vacant property. There is currently an auto repair shop, a Grill and a church in the immediate area surrounding this property. In the 1970's the intersection was rezoned from residential to highway business and later converted to its current C-2 commercial zoning. C-1 zoning classification is intended to provide neighborhood uses and smaller scale commercial uses which serve the immediate neighborhood. There is no public water or sewer and this property will be served by individual well and septic.

The small area plan has the intersection as rural commercial node and equivalent to C-1 zoning. The road

capacity meets transportation needs. A public hearing was conducted last month (March 28, 2005) and the Planning Board unanimously recommended the rezoning. No opposition had been voiced to this rezoning. Chair Barnes asked if there was any intent indicated by the owner as to how the land would be developed and Mr. Hoffman said no site plan was proposed at this time. Chair Barnes then announced the public hearing. Hearing and seeing no one, Chair Barnes closed the public hearing and Vice-Chair Hunsucker made a motion to approve the rezoning. The motion carried unanimously.

b. Jacky Eubanks, Planning Director, presented a request to rezone approximately 3 acres from R-2 Residential District to PD-SC(N) Planned Development-Shopping Center Neighborhood District at the intersection of Hwy 150 and Marshall Road in the Sherrills Ford Small Area Planning District, Mountain Creek Township. Currently a single family residential house is on the property. The area surrounding this property are R-1 and R-2 areas with pockets of commercial zoning. The intent of the plan development system in place is directed toward mix-use zoning district. It does allow the sale of convenience goods, personal services and needs of a neighborhood setting. The proposed project is designed as a two-phase development with Phase 1 has an approximately 12000 square foot building and Phase 2 has a 5000 square foot building with an additional potential car wash and ATM building. No intended uses have been submitted at this time. The plan shows interconnectivity and limits driveway cuts in Hwy 150 – in fact the plan shows no connection to Hwy 150 in that the business would be off of Marshall Road. Public water is available to the property but no public sewer. Hwy 150 is designated an arterial street with a carrying capacity of 9900 ADT trips per day. The traffic capacity is 13000 ADT which is over capacity – and the Highway Board is continuing in their attempts to improve Hwy 150. The Planning Board met at their March 28<sup>th</sup> meeting and no one came forward opposing this rezoning. Jacky met with a couple gentlemen on the date of this Board meeting on Kaiser Allen Road and explained what was being explained at this Board meeting and they seemed to understand and appreciate the fact the corridor standards that the Board of Commissioners adopted are controlling the number of driveways on Hwy 150 and DOT will be requiring a traffic impact analysis on all future development. Jacky said they will continue as projects come along to move toward the eventual 4 laning of Hwy 150. The Planning Board determined that the plan was consistent with the small area plan and recommends the Board approve this request. Commissioner Beatty asked Mr. Eubanks if the house on the property was going to be torn down and Mr. Eubanks said he understood it would be. Commissioner Beatty asked if a traffic study on this property was required by the DOT and Mr. Eubanks said one was underway and asked that the Commissioners to put that study in their motion as one of the conditions. Commissioner Beatty noted this was an extremely busy area. Chair Barnes noted that a lot of the traffic conditions were exasperated with the construction going on at Marshall Steam Plant. Chair Barnes then announced the public hearing. Hearing and seeing no one, Chair Barnes closed the public hearing. Commissioner Beatty clarified that the motion would include the traffic study and asked how long the study would take. Jacky said he wasn't sure but said approximately 30-60 days. Commissioner Barger asked if the development was contingent on public sewer and Jacky said Phase 1 would stand alone and only Phase 2 would not occur if sewer was not realized on the property. Commissioner Beatty clarified that it would be a retention basin in Phase 2. County Attorney Robert Eades wanted to clarify that the approval of the rezoning was not contingent upon a certain result of the traffic impact study just that one be done and Jacky affirmed this. Commissioner Beatty said she questioned approving the zoning without the traffic study. Jacky said the study would most likely put in place the requirements of deceleration lanes or access lanes or turn lanes. County Attorney Eades stated that the County did not have in its zoning ordinance anything that pertains to the results of a traffic study and said that would be between DOT and the property owner/developer. Commissioner Barger moved to approve the rezoning request. The motion carried by three ayes votes and one opposed vote by Commissioner Beatty.

c. Toni Norton, PE, Water Resources Engineer presented the proposed County Erosion and Sedimentation Local Control Ordinance. This was the first of two required public hearings for the passing of this ordinance. The FORESIGHT Report had identified a need for a local erosion control program. Currently, the State Department of Environment and Natural Resources (DENR) has control of the program in Catawba County and has one inspector who is here three days a week and they highly encourage local control. The current laws won't be changed but local control will result in better responsiveness to the County's citizens. The primary focus is a higher level of customer service to both citizens and development community. The next step is to hold a second public hearing on May 2, 2005, obtain State approval, to accept the budget and fee schedule which is structured to be self supporting and to begin the local program on July 1, 2005. No additional staffing requirements are anticipated and staff in the permit center and inspectors will be utilized to implement the program. The anticipated response time to complaints is 24 hours

or less. Chair Barnes opened the public hearing. Cliff Issac, from Claremont NC, came forward and stated

his concern was the cost of the erosion control permit per acre would increase from \$50 to \$150 – 300% - He said his concern was that the cost of building a business in Catawba County is driving away companies. He said this dramatic increase is hurting the economic recovery of this area. He said on a one hundred acre development, the cost would increase from \$5000 to \$15000.

Ed Neill, of Neill Grading and Construction, then came forward and said while he appreciated that there was an increase in fees, there was more interference with the progress in Catawba County from State and Federal law that don't fit. He said for the County to move forward, this local ordinance is the first step in taking control back and bringing it back to the local level and have local people who understand our topography and the difference between Hickory and Wilmington or the difference between Catawba County and some county in Arizona. While it may cost a little more per acre, he believes it will make the area more developer friendly.

Chair Barnes asked for any others who wished to speak. Hearing and seeing no one, she closed the public hearing. She noted this was just the first of two public hearings that are required for the adoption of this ordinance and the next hearing would be on May 2, 2005 at 9:30 a.m.

Vice-Chair Hunsucker asked that if after the first year, the County saw the fees being charged are more than needed to support the program, would they be able to reduce the fees at that time and Ms. Norton said they would be able to.

Commissioner Barger asked if the County was going to take this responsibility on for the State, was there any relief as far as funding from the State that might be possible. Ms. Norton said there are funds available and they would be applied for.

9. Appointments:

Chair Barnes, on behalf of Commissioner Lynn Lail, proposed Stuart R. DeWitt of 8914 Braxton Drive, Sherrills Ford, NC to the Catawba County Planning Board to replace Michael Miller.

Chair Barnes proposed Robert Hymer of 2416 Moss Farm Road, Hickory, NC for a first term on the Alcohol Beverage Control Board expiring 4/6/08 to replace Robert T. Mauser.

These appointments came in the form of a motion and the motion carried unanimously.

10. Consent Agenda:

Assistant County Manager Joellen Daley presented the one item on the consent agenda which was a tax refund in the amount of \$32.90 for one tax payer. There was an error in the billing as a result of billing the wrong fire district.

Commissioner Barger made a motion to approve this refund. The motion carried unanimously.

11. Departmental Reports:

Budget:

1. Ronn Abernathy presented the funding plan for DJJDP/JCPC for Fiscal Year 2005/2006. Mr. Abernathy immediately made an amendment to the agenda in which he stated he was not the chairperson of the JCPC but the Chief Core Counselor of the 25<sup>th</sup> District with the Department of Juvenile Justice. He stated Gary Hogue, who is the Chairperson of the JCPC, was unable to attend. Mr. Abernathy said another thing that needed to be amended was the amounts approved by the Finance and Personnel subcommittee. The funding plan that was set forth in the subcommittee agenda was the current funding plan (2004/05) and the new funding plan which was voted on on March 15, 2005 had that funding reduced 3% (with the exception of the Parenting Network). He stated the amount of money is exactly the same but the distribution is different. The Hickory Housing Authority Program called Choices has been added and will receive funding in the amount of \$8,000. This program offers the juveniles choices, learning skills and life skills. Mr. Abernathy itemized the funding to clarify the funding plan:

JCPC Administrative	\$10,450
Catawba Parenting Network	\$12,950

Corner House I & II	\$179,450
Conflict Resolution Center	\$20,370
Project Challenge	\$51,410
DSS/Family Net – Psych Services	\$41,710
Cognitive Connection – Substance Abuse Svcs	\$22,310
Hickory Housing Authority – Choices	\$8,000
 TOTAL	 \$346,650

Mr. Abernathy said they were asking an increase in administrative expenses from \$8,700 to \$10,450 and the reason for the increase was the person who was doing this job for the last couple years had done it for a small amount of money and for less than counterparts in other counties. The Parenting Network funding would remain the same because it was less than \$20,000 and not subject to the 3% reduction.

Commissioner Barger said he was confused in that when this was presented at subcommittee, these were not the figures that were presented. He said he has questions on how these agencies can take care of the losses resulting in this 3% reduction but still deliver the services while another agency is added to the pot. Mr. Abernathy said he understood the question and said the subcommittee was very brief and both he and Mr. Hogue thought these figures were what they were presenting. Commissioner Barger said the previous distribution was what was presented and what the subcommittee acted upon. Commissioner Beatty asked when this funding plan needed to be submitted and Mr. Abernathy said he did not know the exact date but he knew they were running to the end of the time allowed. He was pretty sure it needed to be in by the end of the month. Vice-Chair Hunsucker apologized for missing the last meeting of the JCPC Board but he thought the reason they added the other program was because they were afraid people would stop submitting new programs if they didn't fund something new and they realized it might cause a hardship on the existing programs. Mr. Abernathy said the Finance Committee had discussed this and the programs need to go through a lot to present a proposed program and through the years there have been less and less participation from the community because many people feel that is no use to do it. Commissioner Barger asked if an evaluation is done on each of the programs each year and was there anything that was less than effective in these evaluations. Mr. Abernathy said each program goes through a monitoring report and is also checked through the JCPC administrator and none of the programs have been found to be ineffective. Chair Barnes wondered whether this needed to go back to subcommittee regardless of being under the gun to get the money but they needed to make sure the other agencies were able to deliver the same service or was JCPC looking for less service from them? Mr. Abernathy said he hoped the gaps could be filled but also knew that the programs were faced with financial issues so there may have to be some reduction in services to some degree. Vice Chair Hunsucker asked if this came up in any of the discussions at the March 15, 2005 meeting. Mr. Abernathy said they did look at that and the Board felt that getting the new program and offering those services would offset any reductions in services. He said Johnny Scott would be heading the new program and was a former juvenile court counselor and former police officer and has a good connection with the youth from 12 to 16 year olds he would be working with. Commissioner Beatty asked if the agencies knew whether their funding would be cut and Mr. Abernathy said as far as individually, he was sure they probably all knew. Chair Barnes said she would have to question that because this the paperwork was dated 4/18/05 and it didn't represent any of the proposed the reductions. He said the paperwork reflecting the reductions was mailed on 3/31/05 and there was an attachment reflected the changes. Commissioner Beatty said these figures were not those discussed in subcommittee and were not what she and Commissioner Barger saw in subcommittee. She asked that if they went ahead and recommended what they have, can the funding be changed later. Mr. Abernathy said no. Chair Barnes said at this point they needed to take action but this was the first they had seen these figures and this was not what was presented at subcommittee. Commissioner Barger said what was being presented at this meeting is other than what was requested at subcommittee. Vice Chair Hunsucker said with the number of people on the JCPC Board and as much as they probably discussed this funding that the Commissioners could go ahead safely and approve the 3% reduction and the increase in the administrative funds. Chair Barnes said her concern was that none of the programs had been notified of the reduction. Budget Manager Judy Ikerd said to her recollection that there were representative from all the programs at the March 15, 2005 meeting when this was voted on. Mr. Abernathy said they would be officially notified of the funding after the Commissioners voted on the funding. Commissioner Beatty asked that when they were aware that the right information had not been presented at the subcommittee had they contacted the Clerk to give the right information and Mr. Abernathy said he was not aware of it until he got to

this meeting. Clerk Barbara Morris said she was dealing with Stacie Porter and Ms. Porter had not changed anything. Ms. Morris said she had the documents, program agreements, and they are signed by each of the program managers and the program agreements reflected the figure that was 3% lower but Stacie's correspondence had the figures that were 3% higher. Chair Barnes confirmed that each program manager was aware of the reduction. Vice Chair Hunsucker made a motion to fund the programs as indicated with the 3% reduction and the addition of the new Choices Program and increase in administrative costs. Commissioner Barger said he would be in favor of doing that based on the fact that each program director has signed off on this but he has the concern this is a continuation of the fact that this program has been around for awhile and there has been no increase in funding and yet the demands of trying to stretch this thing out and have other agencies come in at the expense of the agencies that are already there. He said at some point in time the reduction of those funds causes these agencies to be less effective and he really thinks at some point in time the JCPC Board will have to make some decision whether or not they have the best line up and if those things are producing results that they want, to continue to fund those the best you can rather than try to bring in other agencies. The motion carried unanimously.

2. Judy Ikerd, Budget Manager, presented a request from Hickory City Schools, to transfer capital funds from the College Park renovation project in order to complete renovations to the auto mechanics classroom addition at Hickory High School. In 2002, Hickory purchased the American Legion building and property in order to expand the Hickory High School campus. In the current budget year \$329,000 was approved in order to relocate the auto mechanics classroom from the main high school building to the American Legion building. Bids have been received on the project and the low bid exceeds the amount available by \$81,200 and in addition they will need another \$30,000 for fees, inspections and contingency – for a total of \$111,200 in excess of the amount available. College Park renovation project has about \$241,000 remaining, which would leave a balance of \$129,800. The Finance and Personnel subcommittee recommended this budget transfer.

Supplemental Transfer:

From: 427-750100-865300-32102-3-01	College Park Renovations	\$111,200
To: 420-750100-865200-32104-3-10	Hickory High Classroom	\$111,200

Commissioner Barger made a motion to approve this request. The motion carried unanimously.

3. Dr. Ann Hart, Superintendent of Catawba County Schools and Rodney Miller, Finance Director, presented a request to transfer in the amount of \$246,805 from existing school project funds to the Tuttle Middle School. Rodney Miller reminded the Commissioners in the 2003/04 budget they had set aside 2 cents of the tax rate for school construction. Last year the Board funded the Maiden High School project and that is over budget which is most likely due to the increase in steel and concrete prices. At that time it was agreed to reduce the money that was set aside for this project. Originally, \$3.1 million was set aside for the Tuttle Middle School project but when the Maiden project went over, the figure was changed to \$2.6 million for this project. Dr. Hart said the project was put out for bid and it came in over the \$2.6 million and the request was for a transfer from roof replacements, bus garage, sprinkler system and the capital fund balance to make up the difference. Mr. Miller then said the three projects that Dr. Hart was referring to are in the County's schools capital fund and those projects were approved in the current year's budget and the roofing projects received favorable bids and a balance of \$173,00 remains, and the garage bid of \$36,000 and a sprinkler system for the maintenance department of \$37,000 that will be available for the overage in this project for a total of \$246,805. This matter did not go through subcommittee because a meeting of the staffs was necessary to come up with a funding plan and it did not reach subcommittee in time. The County School Board did recommend this request.

Chair Barnes asked what the base bid covered and Dr. Hart said that the base bid covered the new wing in front of Tuttle School which will house a new administrative area with 12 classrooms, the parking lot and the driveway. Ernest Williams further explained the base bid coverage and Commissioner Barger clarified that the plan was to take care of some of the alternate bids from the 05/06 Capital outlay requests. Mr. Williams said the alternates were to take the small kindergarten classrooms and taking walls out to make larger classrooms to meet standards. All the alternates bids totaled \$433,000. Chair Barnes clarified the new addition will house primary classrooms, not kindergarten classrooms. Commissioner Barger made a motion for the transfer of these funds in the amount \$246,805. The motion carried unanimously.

Planning:

Jacky Eubanks, Planning Director, presented the request to adopt the Assistance Policy for the 2005 Urgent Repair Program. The City of Hickory and Catawba County each received \$50,000 from the North Carolina Housing Finance Agency for the Urgent Repair Program. The plan is to provide urgent repairs to fifteen homes. The program is designed to help very low and low income families – 30% and 50% of the median family income in Catawba County. It helps people 62 years or older and physically challenged. There is a waiting list of eligible families. Vice Chair Hunsucker asked Jacky to repeat the low income range – and Jacky said it was about \$17 to \$18,000 up to about \$22,000 for a family of four. – the median income in Catawba County is about \$45,000. Vice-Chair Hunsucker made a motion to approve the Policy. The motion carried unanimously.

10. Attorneys' Report.

County Attorney Robert Eades said the County needed to come up with a piece of property that was recognizable to serve as collateral for the COPs issue for the jail expansion. That issue is to close on May 5, 2005. Because the County needs to convey some property from itself to itself, that is technically a subdivision and the County needed approval from the City of Newton because its within their planning jurisdiction. Mr. Eades met with them informally and they sketched out something that would work and had a surveyor complete a survey. Then the City of Newton said their ordinances required there be road frontage for the parcel somewhere on Radio Station Road or Hwy 321. The requirement of frontage was only 100 feet and it worked out that the required access and road frontage could be one in the same. Mr. Eades said he had not yet drafted the necessary deed but asked the Board to authorize the Chair to execute the deed on behalf of the Board that will ultimately be drafted. It will be for approximately 16.2 acres and have road frontage as indicated. He expected the subdivision approval from the City of Newton in the next few days.

Chair Barnes said the County was essentially deeding itself a subdivision of its own property.

Commissioner Beatty made a motion to authorize Chair Barnes to sign such a deed. The motion carried unanimously.

Attorney Debra Bechtel then told Commissioners usually when the Board proclaims Child Abuse Prevention Month, they are presented with blue ribbons to recognize the month. The ribbons were not ready at the time of the proclamation and Debra attended the open house at the Child Advocacy Center and they asked that Debra distribute the ribbons at the present meeting.

11. Manager's Report.

Assistant Manager Joellen Daley presented three items – the first was information concerning an aging policy and the staff had been asked by NCACC to develop some priorities and send them along and Assistant Manager Daley said copies were provided to the Commissioners. The staff at Social Services were asked for information and they came back with three areas – financial stability for older Americans, long-term care and mistreatment of older Americans.

Vice Chair Hunsucker had requested information on trajectory analysis related to PM2.5 and Doug Urland put together a memo explaining this and attached some analysis and this was given to the Commissioners and Joellen asked them to review this material and let her know if there were any questions.

Information had been received on the County Assembly Day and reception in Raleigh on May 24 & 25 and they added an extra day if anyone was interested in attending a best practices in County Budgeting session. Commissioner Barger said he had not received this information and Joellen said the information would be sent to all the Commissioners.

12. Other Business – None.

Commissioner Beatty moved to adjourn the meeting. The motion carried unanimously.

The meeting adjourned at 8:29 p.m.

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Katherine W. Barnes, Chair  
Board of Commissioners

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Barbara E. Morris, County Clerk